



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
Caption in Compliance with D.N.J. LBR 9004-2(c)

**TRENK, DiPASQUALE, WEBSTER,  
DELLA FERA & SODONO, P.C.**  
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West Orange, NJ 07052  
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Joseph J. DiPasquale (JD3330)  
Thomas M. Walsh (TW0645)  
*Counsel to Mantiff Jackson Hospitality, LLC,  
Debtor and Debtor-in-Possession*

In re:

MANTIFF JACKSON HOSPITALITY, LLC,  
  
Debtor.

Case No. 08-26038 (NLW)

Honorable Novalyn L. Winfield

Chapter 11

**STIPULATION AND CONSENT ORDER RESOLVING OBJECTION  
OF MICHIGAN MILLERS MUTUAL INSURANCE COMPANY**

The relief set forth on the following pages, numbered 2 through 4 is hereby **ORDERED**.

**DATED: 7/15/2009**

  
\_\_\_\_\_  
Honorable Novalyn L. Winfield  
United States Bankruptcy Judge

Debtor: Mantiff Jackson Hospitality, LLC  
Case No.: 08-26038 (NLW)  
Caption of Order: Stipulation and Consent Order Resolving Objection of Michigan Millers Mutual Insurance Company

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**WHEREAS**, on August 5, 2008, Debtor filed its voluntary Chapter 11 petition; and

**WHEREAS**, on August 19, 2007, Mantiff Jackson Hospitality, LLC ("Debtor") incurred significant rain and flood damage to its hotel and conference center located at 200 Holiday Inn Drive, Jackson, Michigan ("Hotel Property"); and

**WHEREAS**, the Debtor alleges that the damage resulted from a new roof that was installed incorrectly; and

**WHEREAS**, Michigan Millers Mutual Insurance Company ("Michigan Millers") had issued a commercial lines insurance policy to Debtor insuring Debtor's Hotel Property; and

**WHEREAS**, thereafter, the Debtor submitted a claim to Michigan Millers in connection with the damage to the Hotel Property; and

**WHEREAS**, on December 18, 2008, a mediation of Debtor's claims against the contractor and subcontractor of the roof was held and a settlement was recommended; and

**WHEREAS**, on January 6, 2009, Debtor filed an Information for Notice of Settlement of Controversy ("Notice of Settlement") providing details of the proposed settlement; and

**WHEREAS**, on February 3, 2009, Michigan Millers filed an objection to Debtor's Notice of Settlement; and

**WHEREAS**, on February 5, 2009, Debtor filed a Response to Michigan Miller's Objection; and

**WHEREAS**, in consideration for the treatment provided in this stipulation, Michigan Millers has agreed to withdraw its objection and support the Debtor's Notice of Settlement as amended herein; and

**NOW, BE IT HEREBY STIPULATED AND AGREED** as follows:

1. Michigan Millers shall pay Debtor the sum of \$81,946.51, as a full and final settlement of all claims that Debtor may have against Michigan Millers, including, but not limited

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to, its business interruption and property loss claims. The check shall be made payable to "Trenk DiPasquale et al, Attorney Trust Account" and sent to counsel for the Debtor at 347 Mt. Pleasant Avenue, Suite 300, West Orange, NJ 07052, Attn: Thomas M. Walsh, Esq. The Debtor shall file an Information for Notice of Settlement of Controversy seeking Bankruptcy Court approval of the above-referenced settlement within two days of execution by the parties. In the event that Bankruptcy Court approval of this Stipulation and Consent Order is not obtained, then this Stipulation and Consent Order shall be null and void ab initio and the check issued by Michigan Miller's payable to "Trenk DiPasquale et al, Attorney Trust Account" shall be returned to Michigan Millers by Trenk DiPasquale within three (3) days of disapproval of this Stipulation and Consent Order.

2. Michigan Millers shall enter into a Settlement Agreement and Policyholder's Release with Debtor and will thereby be released and discharged from any and all liability with respect to damage to the Hotel Property. In the event that Bankruptcy Court approval of this Stipulation and Consent Order is not obtained, the Debtor reserves any and all rights with respect to its notices or proofs of loss.

3. Debtor shall enter into a Settlement Agreement and Policyholder's Release with Michigan Milers and Debtor's insurance claims filed with Michigan Millers in connection with the damage to the Hotel Property will thereby be deemed invalid and withdrawn.

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**THE FORM AND ENTRY OF THE WITHIN  
STIPULATION IS HEREBY AGREED TO BY:**

**FOX ROTHSCHILD LLP**

Attorneys for Michigan Millers Mutual Insurance Company

By: /s/ Martha Chovanes  
Martha Chovanes

**MICHIGAN MILLERS MUTUAL INSURANCE COMPANY**

By: /s/ Tim Fitzgerald  
Tim Fitzgerald

**MANTIFF JACKSON HOSPITALITY, LLC**

By: /s/ Falgun Dharia  
Falgun Dharia, Managing Member

**TRENK, DiPASQUALE, WEBSTER,  
DELLA FERA & SODONO, P.C.**

Attorneys for Debtor

By: /s/ Thomas M. Walsh  
Thomas M. Walsh

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